

ASSEMBLY BILL

No. 2053

**Introduced by Assembly Members Gonzalez and Gray
(Coauthor: Assembly Member Wood)**

February 17, 2016

An act to amend Section 1212 of the Health and Safety Code, relating to clinics.

LEGISLATIVE COUNSEL'S DIGEST

AB 2053, as introduced, Gonzalez. Primary care clinics.

Under existing law, the State Department of Public Health licenses and regulates primary care clinics, as defined. A violation of those provisions is a crime under existing law. Existing law provides that no application for licensure is required if a licensed primary care clinic adds a service that is not a special service, as defined, or remodels or modifies an existing primary care clinic site, but requires the clinic to notify the department of these events, as specified.

This bill would, among other things, expand that exception from licensure, and that notice requirement, to include a licensed primary care clinic that adds an additional physical plant maintained and operated on separate premises. The bill would require the department, upon written notification by a primary care clinic, to issue a single consolidated license to a primary care clinic that includes more than one physical plant maintained and operated on separate premises or that has multiple licenses for a single health facility on the same premises, as specified. Because the bill would create a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1212 of the Health and Safety Code is
2 amended to read:

3 1212. (a) Any person, firm, association, partnership, or
4 corporation desiring a license for a clinic or a special permit for
5 special services under the provisions of this chapter, shall file with
6 the department a verified application on forms prescribed and
7 furnished by the department, containing the following:

8 (1) Evidence satisfactory to the department that the applicant
9 is of reputable and responsible character. If the applicant is a firm,
10 association, partnership, trust, corporation, or other artificial or
11 legal entity, like evidence shall be submitted as to the members,
12 partners, trustees or shareholders, directors, and officers thereof
13 and as to the person who is to be the administrator of, and exercise
14 control, management, and direction of the clinic for which
15 application is made.

16 (2) If the applicant is a partnership, the name and principal
17 business address of each partner, and, if any partner is a
18 corporation, the name and principal business address of each officer
19 and director of the corporation and name and business address of
20 each stockholder owning 10 percent or more of the stock thereof.

21 (3) If the applicant is a corporation, the name and principal
22 business address of each officer and director of the corporation,
23 and ~~where~~ *if* the applicant is a stock corporation, the name and
24 principal business address of each stockholder holding 10 percent
25 or more of the applicant's stock and, ~~where~~ *if* any stockholder is
26 a corporation, the name and principal business address of each
27 officer and director of the corporate stockholder.

28 (4) Evidence satisfactory to the department of the ability of the
29 applicant to comply with the provisions of this chapter and rules
30 and regulations promulgated under this chapter by the department.

1 (5) The name and address of the clinic, and if the applicant is
2 a professional corporation, firm, partnership, or other form of
3 organization, evidence that the applicant has complied with the
4 requirements of the Business and Professions Code governing the
5 use of fictitious names by practitioners of the healing arts.

6 (6) The name and address of the professional licensee
7 responsible for the professional activities of the clinic and the
8 licensee's license number and professional experience.

9 (7) The class of clinic to be operated, the character and scope
10 of advice and treatment to be provided, and a complete description
11 of the building, its location, facilities, equipment, apparatus, and
12 appliances to be furnished and used in the operation of the clinic.

13 (8) Sufficient operational data to allow the department to
14 determine the class of clinic that the applicant proposes to operate
15 and the initial license fee to be charged.

16 (9) Any other information as may be required by the department
17 for the proper administration and enforcement of this chapter,
18 including, but not limited to, evidence that the clinic has a written
19 policy relating to the dissemination of the following information
20 to patients:

21 (A) A summary of current state laws requiring child passenger
22 restraint systems to be used when transporting children in motor
23 vehicles.

24 (B) A listing of child passenger restraint system programs
25 located within the county, as required by Section 27360 or 27362
26 of the Vehicle Code.

27 (C) Information describing the risks of death or serious injury
28 associated with the failure to utilize a child passenger restraint
29 system.

30 (b) (1) No application is required ~~where~~ if a licensed primary
31 care clinic adds a service that is not a special service, as defined
32 in Section 1203, or any regulation adopted ~~thereunder~~, *under that*
33 *section*, or remodels or ~~modifies~~ *modifies*, or adds an additional
34 *physical plant maintained and operated on separate premises to,*
35 an existing primary care clinic site. However, the clinic shall notify
36 the department, in writing, of the change in service or physical
37 plant no less than 60 days prior to adding the service or remodeling
38 or ~~modifying~~ *modifying*, or adding an additional physical plant
39 *maintained and operated on a separate premises to,* an existing
40 primary care clinic site. Nothing in this subdivision shall be

1 construed to limit the authority of the department to conduct an
2 inspection at any time pursuant to Section 1227, in order to ensure
3 compliance with, or to prevent a violation of, this chapter, or any
4 regulation adopted under this chapter.

5 (2) ~~Where~~ If applicable city, county, or state law obligates the
6 primary care clinic to obtain a building permit with respect to the
7 remodeling or modification to be performed by the clinic, *or the*
8 *construction of a new physical plant*, the primary care clinic shall
9 provide a signed certification or statement as described in Section
10 1226.3 to the department within 60 days following completion of
11 ~~the remodeling or modification~~ *remodeling, modification, or*
12 *construction* project covered by the building permit.

13 (c) In the course of fulfilling its obligations under Section
14 1221.09, the department shall ensure that any application form
15 utilized by a primary care clinic, requiring information of the type
16 specified in paragraph (1), (4), (8), or (9) of subdivision (a), is
17 consistent with the requirements of Section 1225, including the
18 requirement that rules and regulations for primary care clinics be
19 separate and distinct from the rules and regulations for specialty
20 clinics. Nothing in this section shall be construed to require the
21 department to issue a separate application form for primary care
22 clinics.

23 (d) (1) *The department, upon written notification by a primary*
24 *care clinic, shall issue a single consolidated license to a primary*
25 *care clinic that includes more than one physical plant maintained*
26 *and operated on separate premises or that has multiple licenses*
27 *for a single health facility on the same premises. Written*
28 *notification shall include evidence that the primary care clinic is*
29 *licensed in good standing and otherwise meets the criteria specified*
30 *in this subdivision. In issuing the single consolidated license, the*
31 *department shall specify the location of each physical plant.*

32 (2) *A primary care clinic that is issued a single consolidated*
33 *license pursuant to this subdivision may, at its option, operate*
34 *under a single National Provider Identification number or separate*
35 *National Provider Identification number for one or more of the*
36 *facilities subject to the single consolidated license.*

37 (3) *The issuance of a single consolidated license shall be based*
38 *on all of the following criteria:*

39 (A) *There is a single governing body for all the facilities*
40 *maintained and operated by the licensee.*

1 (B) *There is a single administration for all the facilities*
2 *maintained and operated by the licensee.*

3 (C) *There is a single medical director for all the facilities*
4 *maintained and operated by the licensee, with a single set of*
5 *bylaws, rules, and regulations.*

6 (D) *Except as provided otherwise in this paragraph, the physical*
7 *plants maintained and operated by the licensee that are to be*
8 *covered by the single consolidated license are located not more*
9 *than 15 miles apart.*

10 SEC. 2. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.